

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 13-10024-RWZ

UNITED STATES OF AMERICA

v.

MARK J. ZIMNY

ORDER

June 13, 2019

ZOBEL, S.D.J.

Petitioner/defendant Mark J. Zimny seeks to vacate his conviction under 28 U.S.C. 2255 based upon his assertion that his representation from his trial counsel was ineffective (Docket # 458). The government requests an extension of time to file its response (Docket # 466).

In light of the extensive procedural and appellate history of this case, an initial review of the petition is appropriate to assess the facial viability of Mr. Zimny's claims of ineffective assistance of counsel. Accordingly, the government shall file, by July 8, 2019, a response to the sole question whether the petition sufficiently alleges ineffective assistance of counsel such that further inquiry is warranted. Defendant may file his brief on this preliminary issue by August 5, 2019. The court will then determine whether Mr. Zimny has alleged cognizable claims, and, if necessary, decide the government's motion for orders regarding waiver of attorney-client privilege, and the

disclosure of relevant information held by Mr. Zimny's former counsel (Docket # 467).

SO ORDERED.

June 13, 2019

DATE

/s/Rya W. Zobel

RYA W. ZOBEL  
SENIOR UNITED STATES DISTRICT JUDGE